

YOUTH SERVICES POLICY

Title: Reduction in Force Procedures and Scoring Guide for Educators Next Annual Review Date: 03/16/2010	Type: A. Administrative Sub Type: 2. Personnel Number: A.2.53
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References: La. R.S. 17:81.4	
STATUS: Approved	
Approved By: <i>Dr. Mary L. Livers</i> <i>Deputy Secretary</i>	Date of Approval: 03/16/2009

I. AUTHORITY:

Deputy Secretary of the Office of Youth Services as contained in La. R.S. 36:405. Deviation from this policy must be approved by the Deputy Secretary.

II. PURPOSE:

To establish a procedure to be used in the event a layoff/reduction in force of education personnel occupying unclassified instructor positions becomes necessary.

III. APPLICABILITY:

Deputy Secretary, Assistant Secretary, Undersecretary, Deputy Assistant Secretaries, Director of Education, General Counsel, Human Resources Director, Unit Heads, and all education personnel occupying unclassified instructor positions.

IV. DEFINITIONS:

ACADEMIC PREPARATION - Academic preparation is measured by majors and minors in subject areas, educational degrees, additional units of college or university credit, and all areas of certification.

CERTIFIED/CERTIFICATED TEACHERS - Teachers possessing Louisiana certification as "teacher" or "administrator" (principal).

DISPLACEMENT - In some layoff plans and policies, provisions are made to allow employees affected by a layoff to displace or “bump” other employees in other areas of the agency. There is no displacement provided for in this policy.

EDUCATOR(S) - In this policy, the term “educator(s)” is used to include personnel in the unclassified “instructor” positions, including paraeducators, guidance counselors, teachers, principals, and teachers in staff development/training.

GENERAL NOTICE - A notice sent to educators notifying them that a layoff will be occurring and which units (facilities, central office, regional office/offices) will be affected. The General Notice will be sent to all educators advising them of the following:

- The unit at which the layoff will occur;
- The education category(s) (i.e. principals, teachers/instructors, Para educators, etc.) affected by the RIF;
- The proposed effective date of the RIF; and
- Any other information that might be helpful.

HIGHLY QUALIFIED TEACHERS - Educators who meet the Department of Education criteria for “highly qualified” as set forth in Bulletin 746: Louisiana Standards for State Certification of School Personnel, the Louisiana definition of Highly Qualified Teacher and Highly Qualified Paraprofessional, as amended, as officially adopted by the State Board of Elementary and Secondary Education (SBESE) in February 2003 as required by the federal law known as the “No Child Left Behind” Act.

INDIVIDUAL NOTICE OF REDUCTION - A notice sent to individual teachers who will be laid off. These notices will be sent out more than thirty days after the General Notice is issued.

INTERVIEW - An objective written test and a personal interview with the RIF Board, which will be considered when ranking teachers who are subject to a reduction in force.

REDUCTION IN FORCE - RIF, Layoff

SENIORITY - Length of employment with Youth Services as an educator.

TENURE - At least three years of service as an educator for Youth Services.

UNCLASSIFIED EDUCATION PERSONNEL CATEGORIES - Unclassified personnel positions in the same general description, i.e., principals, teachers, guidance counselors, paraeducators.

UNIT - Facilities, central office, regional office/offices.

V. POLICY:

It is the Deputy Secretary's policy that when conditions necessitate a reduction in force (layoff) of Office of Juvenile Justice unclassified teaching personnel greater than what can be accommodated through attrition at a particular unit/facility, a reduction in force will be accomplished utilizing the following priorities and procedures. All possible alternatives to the layoff of employees at that unit/facility will be considered prior to implementation of the Reduction in Force. The primary consideration in making decisions regarding the reduction in force shall be the administration and maintenance of a quality, balanced educational program and services for the youth in our custody. Therefore, in making decisions regarding the reduction in force of teaching personnel, those persons with the certifications, qualification and skills necessary to provide a balanced educational program and operate the school system shall be the last employees laid off.

VI. PROCEDURES:

A. Criteria:

When reductions in force at a unit are necessary in an unclassified education personnel category or categories, the Deputy Secretary of Youth Services will consider layoffs among all such personnel, whether tenured, or non-tenured. The layoff of unclassified education personnel, in any selected categories, shall be based on the following criteria, in the priority listed:

1. Practical Knowledge/Written and Oral;
2. Certification in the area needed at each school/unit to operate a balanced program;
3. Academic preparation, if applicable, within the employee's field;
4. Seniority in employment with Youth Services;
5. Tenure.

B. Reduction Procedures:

1. Youth Services determines that a reduction in force at a unit is necessary.
2. Educators at an impacted facility are provided written General Notice by posting at the school as follows:
 - Employee bulletin board,
 - Principal's office,
 - HR office, and
 - In each educator's mailbox at the school.

Educators on leave will be sent a copy of the General Notice by certified mail.

3. Educators at a non-school unit will be sent a copy of the General Notice by certified mail.
4. The Deputy Secretary shall name a "RIF Board" composed of the Assistant Secretary, the Director of Education, the General Counsel, the Human Resources Director, the Deputy Assistant Secretary for Facilities, and one representative from the state-wide educational community, who will be selected by the Deputy Secretary. This board will meet and prepare written evaluations of those being considered for the reduction in force based on the objective criteria listed above in Section A, Criteria, parts 2-5, plus the Practical Knowledge/Written element of part 1 and conduct the Practical Knowledge/Oral element of part 1 of the criteria. The Practical Knowledge/Oral element of part 1 of the criteria evaluation shall be an in-person examination of the affected educators conducted by the entire RIF Board. The RIF Board shall rank the educators according to their scores as recorded and calculated on the "Scoring Guide for Educators" form [Attachment A.2.53 (a)] of this policy.
5. The employees being laid off will be those with the lowest total score on the "Scoring Guide for Educators" form.
6. Individual notices of reduction reflecting the results of the ranking established by the RIF Board (Section VI.B.4 above) will be sent to the affected educators by regular mail with a certificate of mailing.

These notices may also be provided to the affected educators by other means in addition to the regular mail, certificate of mailing (i.e., hand-delivery). These notices will be sent more than thirty (30) calendar days following the General Notice. These notices shall be signed by the Deputy Secretary.

C. Displacement (bumping):

Educators being considered for a RIF shall not displace educators in other units.

D. Deputy Secretary's Review:

1. Educators who get an individual notice that their position is being reduced may make a written request to the Deputy Secretary to review such action. This request for review must be received at the Deputy Secretary's office no later than ten days after the date of the individual notice.
2. The Deputy Secretary shall review the decision of the RIF Board and respond in writing to the teacher.
3. The Deputy Secretary will not disturb the action of the RIF Board unless the Board acted arbitrarily and capriciously.
4. The Deputy Secretary's written review decision shall be mailed to the employee within ten days of the date the review request was received at the Deputy Secretary's office.
5. Review under this provision shall not delay or suspend the reduction in force plan.

E. Appeal/ Exhaustion of Administrative Remedies:

Failure of an affected educator to submit a request for review in a timely manner shall constitute a waiver of the educator's right to challenge the action. Review under this provision shall not delay or suspend the reduction in force plan.

F. Other:

1. Educators on approved leave at the time the general notice of a reduction in force is issued will be considered in the RIF in the same manner as educators not on leave.
2. The procedures outlined in this policy are the only procedures that may be used in a reduction in force of educators. Similarly, no personnel action other than a reduction in force of educators may be considered under this policy.
3. If any provision of this policy or the application thereof is held invalid, such invalidity shall not affect other provisions, items, or applications of this policy, which can be given effect without the invalid provision or item of this policy and to this end the provisions and items of this policy are declared severable.

Previous Regulation/Policy Number: A.2.53

Previous Effective Date: 2/3/2009



Attachments/References: A.2.53 (a) Scoring Guide for Educators 3-16-09.doc